

Page 5, line 23: Amend by striking out "\$1200" and inserting "\$1500."

On pages 14 and 15, strike out everything in reference to the Agricultural and Mechanical College and insert in lieu thereof the following: "For the support and maintenance of the Agricultural and Mechanical College, to be expended out of the general revenue, under the direction of the board of directors, for each year, \$15,000."

## SIXTY-FIFTH DAY.

SENATE CHAMBER, }  
AUSTIN, TEXAS, March 30, 1883. }

The Senate met pursuant to adjournment.

The President pro tem. in the chair.

Roll called. Quorum present.

Prayer by the Chaplain.

Senator Matlock moved to dispense with the reading of the journal of yesterday.

Adopted, and the journal approved.

Senator Getzendaner moved that Senator Farrar be indefinitely excused from Monday morning next, on account of important business.

Adopted.

On motion of Senator Matlock, Senator Fowler was excused after to-day till Monday next, on account of important business.

On motion of Senator Farrar, Senator Martin was excused after to-day till Monday next, on account of business.

On motion of Senator Gibbs, Senator Terrell was excused till Monday next, on account of important business.

On motion of Senator Jones, Senator Stratton was excused from this evening till Thursday next, on account of important business.

On motion of Senator Getzendaner, Senator Chesley was excused for to-day, on account of sickness in his family.

On motion of Senator Kleberg, W. M. Ledbetter, Postmaster of the Senate, was excused from after to-day till Monday next, on account of urgent business.

On motion of Senator Martin, Senator Harris was excused indefinitely from Monday next.

Senator Evans, chairman of Committee on Public Printing, submitted the following report:

COMMITTEE ROOM,  
AUSTIN, March 29, 1883.

Hon. A. W. Houston, President pro tem. of the Senate:

Your Committee on Public Printing, to whom was referred Senate bill No. 352, have carefully examined the same, and instruct me to report the same back with the recommendation that it do pass.

All of which is respectfully submitted.

EVANS, Chairman.

Bill read first time.

Senator Traylor, chairman of Committee on Claims and Accounts, submitted the following report:

COMMITTEE ROOM,  
AUSTIN, March 30, 1883

Hon. A. W. Houston, President pro tem. of the Senate:

Your Committee on Claims and Accounts, to whom was referred House bill No. 485, "An act for the relief of Alsey S. Miller, Milburn Harral, and Mary A. Woods, widow of Gonzales Woods, deceased, survivors of the Dawson massacre, by granting to each one of them a certificate of twelve hundred and eighty acres of land," have carefully examined the same, and instruct me to report the same back with the recommendation that it do pass.

All of which is respectfully submitted.

TRAYLOR, Chairman.

Bill read first time.

Senator Martin, chairman of Committee on Engrossed Bills, submitted the following report:

COMMITTEE ROOM,  
AUSTIN, March 30, 1883.

Hon. Marlon Martin, President of the Senate:

Your Committee on Engrossed Bills have carefully examined and compared Senate bill No. 326, being "An act to amend articles 122, 129, 137 and 138 of 'an act to adopt and establish the Revised Civil Statutes of the State of Texas,' passed March 17, 1879, and to amend articles 130 and 132 of the Revised Civil Statutes of the State of Texas, as amended and approved April 17, 1879, and to add article 130a."

Also Senate joint resolution No. 46, revoking the penitentiary leases, etc.

And find the same correctly engrossed.

MARTIN, Chairman.

Senator Randolph introduced a bill to be entitled "An act to diminish the civil and criminal jurisdiction of the county court of Madison county, and to conform the jurisdiction of the district court of said county to such change."

Referred to Judiciary Committee No. 1.

The President gave notice of signing the following bills:

Senate bill No. 66, entitled "An act confirming patents and surveys by virtue of headright and bounty warrants issued under special laws enacted after March 31, 1870, and prior to April 17, 1876."

Senate bill No. 251, "An act to amend article 3, title 15, of the Code of Criminal Procedure, relating to fees paid for holding inquests."

Senate bill No. 269, "An act to provide for the classification, sale and lease of the lands heretofore or hereafter surveyed and set apart for the benefit of the common school, university, the lunatic, blind, deaf and dumb and orphan asylum funds."

The special order for this hour not having been returned by the printer,

On motion of Senator Gibbs, it was postponed till this afternoon, and made special order for that time, and from day to day until disposed of.

Senator Pfeuffer moved to suspend the regular order of business and take up Senate bill No. 240, "An act to aid in preventing the spread of smallpox, and to provide sanitary regulations for guidance of the State Health Officer and other officers and employees."

Senator Davis offered the following amendment:

Strike out all after the "whereases" down to "be it enacted."

Senator Traylor offered the following substitute for Senator Davis' amendment:

Amend by striking out the enacting clause.

Accepted.

Senator Davis offered the following substitute for Senator Traylor's amendment:

Strike out the caption, the enacting and the emergency clauses.

Accepted, and amendment, as amended, adopted.

Senator Johnson of Collin moved the previous question on the bill and amendments.

Motion seconded and main question ordered, and amendment of Senator Davis adopted, which kills the bill.

Senator Traylor moved to suspend the regular order of business and take up Senate bill No. 342, "An act providing for adjusting and settling outstanding land certificates."

Adopted, bill taken up and read second time.

Senator Traylor offered the following amendments:

In section 1 strike out "one-tenth" and insert "one-eighth."

Adopted.

"The late hour of the session creates an imperative public necessity that the rules requiring this bill to be read on three several days be suspended; and it is so enacted."

Adopted, and  
The Senate refused to engross the bill by the following vote:

## YEAS—8.

Davis,  
Evans,  
Getzendaner,

Harris,  
Matlock,  
Patton,

Shannon,  
Traylor.

## NAYS—16.

Buchanan,  
Farrar,  
Fleming,  
Fowler,  
Gibbs,  
Houston,

Johnson of Collin,  
Johnston of Shelby,  
Jones,  
Kleberg,  
Martin,

Peacock,  
Perry,  
Pfeuffer,  
Randolph,  
Stratton.

The following message was received from the House:

HALL HOUSE OF REPRESENTATIVES,  
AUSTIN, March 30, 1883.

Mr. President:

I am instructed to inform your honorable body that there is now pending in the House a motion to reconsider the vote by which the House passed Senate bill No. 120, providing for the payment of attached witnesses in certain cases, and the House request the return of said bill for further consideration.

Respectfully,

J. W. BOOTH,  
Chief Clerk House of Representatives.

(Senator Harris in the chair.)

Senator Jones moved to suspend the regular order of business and to take up House bill No. 377, entitled "An act to amend sections 3, 6 and 10 of 'an act in relation to assignments for the benefit of creditors, and to regulate the same, and the proceedings thereunder,' approved March 24, A. D. 1879."

Adopted, and

Bill taken up and read second time.

The first part of first committee amendment, to strike out "section 3," was lost.

The second part of first committee amendment was adopted, striking out the "engrossed rider."

The second committee amendment was lost, which was to strike out the word "three" from the caption.

Senator Jones offered the following amendment:

Amend by striking out "one-half," in line 16, section 3, printed bill, and insert in lieu thereof "one-third."

Senator Davis offered the following amendment to the pending amendment:

Amend amendment by striking out "thirty-three and one-third" and insert "thirty."

Lost by the following vote:

## YEAS—9.

Buchanan,  
Davis,  
Harris,

Matlock,  
Patton,  
Peacock,

Pope,  
Shannon,  
Stratton.

## NAYS—15.

Evans,  
Farrar,  
Fleming,  
Fowler,  
Getzendaner,

Gibbs,  
Houston,  
Johnson of Collin,  
Johnston of Shelby,  
Jones,

Kleberg,  
Martin,  
Perry,  
Pfeuffer,  
Randolph.

The amendment of Senator Jones was then adopted.

Senator Davis offered the following amendment:

Amend by adding:

SECTION —. The near approach of the close of the session creates an imperative public necessity, and authorizes the suspension of the rule requiring bills to be read on three several days; and such rule is hereby suspended.

Adopted, and bill passed to third reading.

Senator Davis moved to suspend the rules and place the bill on its third reading.

Adopted by the following vote:

## YEAS—19.

Buchanan,  
Collins,  
Davis,  
Evans,  
Farrar,  
Fowler,  
Getzendaner,

Gibbs,  
Harris,  
Jones,  
Kleberg,  
Matlock,  
Peacock,

Perry,  
Pfeuffer,  
Pope,  
Randolph,  
Shannon,  
Stratton.

## NAYS—4.

Cooper,  
Johnson of Collin,

Martin,

Patton.

Bill read third time and passed.

Senator Cooper entered a motion to reconsider the vote by which this bill was passed.

Senator Gibbs entered a motion to reconsider the vote by which the Senate refused to engross Senate bill No. 342, entitled "An act providing for the adjusting and settling of outstanding land certificates."

Senator Terrell, chairman of Judiciary Committee No. 1, submitted the following reports:

COMMITTEE ROOM,  
AUSTIN, March 30, 1883

Hon. A. W. Houston, President pro tem. of the Senate:

Your Judiciary Committee No. 1, to whom was referred House bill No. 194, entitled "An act to amend title 32, chapter 17, of the Revised Statutes of the State of Texas, by adding thereto articles 1639a and 1639b," have carefully examined the same, and instruct me to report the same back with the recommendation that it do not pass. All of which is respectfully submitted.

TERRELL, Chairman.

Bill read first time.

COMMITTEE ROOM,  
AUSTIN, March 30, 1883.

Hon. A. W. Houston, President pro tem. of the Senate:

Your Judiciary Committee No. 1, to whom was referred substitute House bill No. 390, entitled "An act to amend articles 2389, 2398 and 2400, chapter 3, title 42, of the Revised Civil Statutes of Texas," have carefully examined the same, and instruct me to report the same back with the recommendation that it do not pass. All of which is respectfully submitted.

TERRELL, Chairman.

Bill read first time.

COMMITTEE ROOM,  
AUSTIN, March 30, 1883.

Hon. A. W. Houston, President pro tem. of the Senate:

Your Judiciary Committee No. 1, to whom was referred substitute House bill No. 460, entitled "An act to amend chapter 6, of title 29, of the Revised Civil Statutes of the State of Texas, by adding thereto, after article 1241, another article, to be called 1241a," have carefully examined the same, and instruct me to report the same back with the recommendation that it do pass.

The effect of this bill will be to so change the law as to render the practice of taking judgments on what are known as "ironclad" notes, as now largely carried on throughout the State, impracticable, and believing that legislation that will effect that object to be in every way desirable, your committee unanimously recommend the passage of this bill.

TERRELL, Chairman.

Bill read first time.

COMMITTEE ROOM,  
AUSTIN, March 30, 1883.

Hon. A. W. Houston, President pro tem. of the Senate:

Your Judiciary Committee No. 1, to whom was referred House bill No. 313, entitled "An act to amend article 1639 of the Revised Civil Statutes," have carefully examined the same, and a majority instruct me to report the same back with the recommendation that it do not pass.

The object of the bill is to change the practice with reference to appeals from courts of justices of the peace, and its effect will, in the judgment of a majority of your committee, be to make an undesirable change in the law, and one that will render the practice in justices' courts even less careful and exact than at present, and cause a relaxation of that diligence and attention to their cases on the part of litigants and their counsel, that is required by the law as it now stands.

TERRELL, Chairman

Bill read first time.

Senator Randolph, chairman of Committee on Private Land Claims, submitted the following reports:

COMMITTEE ROOM,  
AUSTIN, March 29, 1883.

Hon. A. W. Houston, President pro tem. of the Senate:

Your Committee on Private Land Claims, to whom was referred House bill No. 395, have carefully examined the same, and I am instructed to report the same back with the recommendation that it do pass.

All of which is respectfully submitted.

RANDOLPH, Chairman.

Bill read first time.

COMMITTEE ROOM,  
AUSTIN, March 29, 1883.

Hon. A. W. Houston, President pro tem. of the Senate:

Your Committee on Private Land Claims, to whom was referred House bill 443, have carefully examined the same, and I am instructed by a majority of the committee to report the same back with recommendation that it do pass.

All of which is respectfully submitted.

RANDOLPH, Chairman.

Bill read first time.

Senator Martin, chairman of Committee on Engrossed Bills, submitted the following report:

COMMITTEE ROOM,  
AUSTIN, March 30, 1883.

Hon. Marion Martin, President of the Senate:

Your Committee on Engrossed Bills have carefully examined and compared Senate bill No. 69, being "An act to amend section 1, article 3206, chapter 10, title 71, of the Revised Statutes, as amended by an act approved May 4, 1882."

Also, Senate bill No. 131, "An act to amend sections 28 and 31 of 'an act to provide for the protection of the frontier,' etc., approved April 10, 1874."

And find the same correctly engrossed.

MARTIN, Chairman.

Senator Cooper, chairman of Committee on Enrolled Bills, submitted the following reports:

COMMITTEE ROOM,  
AUSTIN, March 30, 1883.

Hon. A. W. Houston, President pro tem. of the Senate:

Your Committee on Enrolled Bills have carefully examined and compared Senate bill No. 251, being "An act to amend article 1077, of chapter 3, title 15, of the Code of Criminal Procedure, relating to fees paid for holding inquests," and find the same correctly enrolled, and have this day, at 10:45 o'clock a. m., presented the same to the Governor for his approval.

COOPER, Chairman.

COMMITTEE ROOM,  
AUSTIN, March 30, 1883.

Hon. A. W. Houston, President pro tem. of the Senate:

Your Committee on Enrolled Bills have carefully examined and compared Senate bill No. 66, being "An act confirming patents and surveys by virtue of headright and bounty warrants issued under special laws enacted after March 31, 1870, and prior to April 17, 1876," and find the same correctly enrolled, and have this day, at 10:45 o'clock a. m., presented the same to the Governor for his approval.

COOPER, Chairman.

COMMITTEE ROOM,  
AUSTIN, March 30, 1883.

Hon. A. W. Houston, President pro tem. of the Senate:

Your Committee on Enrolled Bills have carefully examined and compared Senate bill No. 30, being "Joint resolution requesting Texas Senators and Representatives to urge upon Congress the settlement of the claims of those who suffered from the burning of the town of Brenham, Texas, in 1866," and find the same correctly enrolled, and have this day, at 10:45 o'clock a. m., presented the same to the Governor for his approval.

COOPER, Chairman.

Senator Matlock moved to suspend the regular order of business and take up substitute House bill No. 521, "An act to amend articles 4462 of the Revised Civil Statutes of the State of Texas."

Adopted, and bill taken up and read second time.

Senator Matlock offered the following amendment:

Strike out section 1 and insert: "The chief clerk of the Comptroller's office, the chief clerk and receiving clerk of

the General Land Office, the chief clerk of the State Department, chief clerk of the Treasurer's office, and each librarian of the Supreme Court shall receive such salaries as may be provided by law."

Adopted, and bill passed to its third reading by the following vote:

YEAS—23.

Buchanan,	Gibbs,	Peacock,
Collins,	Harris,	Perry,
Cooper,	Houston,	Pfeuffer,
Davis,	Johnston of Shelby,	Pope,
Evans,	Jones,	Randolph,
Farrar,	Kleberg,	Shannon,
Fleming,	Matlock,	Traylor.
Getzendaner,	Patton,	

NAYS—1.

Johnson of Collin.

Bill read third time and passed by the following vote:

YEAS—24.

Buchanan,	Harris,	Patton,
Collins,	Houston,	Peacock,
Cooper,	Johnston of Shelby,	Pope,
Davis,	Jones,	Randolph,
Evans,	Kleberg,	Shannon,
Farrar,	Martin,	Stratton,
Fleming,	Matlock,	Traylor.
Gibbs,		

NAYS—4.

Getzendaner,  
Johnson of Collin,

Perry,

Pfeuffer.

Senator Getzendaner moved to suspend the regular order of business, and take up Senate bill No. 305, "An act to amend 'an act to adopt and establish the Revised Civil Statutes of the State of Texas,' by adding thereto article 4320a."

Adopted, and bill taken up with committee substitute, read second time, and substitute of committee adopted.

Senator Getzendaner offered the following amendment:

Sec. 2. Whereas, there is now no law in force conferring on overseers the authority to drain the water from the public roads, and this session of the Legislature is near its close, there is an emergency for the immediate passage of this act, and an imperative public necessity for the suspension of the constitutional rule requiring bills to be read on three several, which rule is suspended, and that this act be in force from and after its passage; and it is so enacted.

Adopted.

Senator Getzendaner moved to suspend the constitutional rule requiring bills to be read on three several days, and place bill on third reading.

Adopted by the following vote:

YEAS—22.

Collins,	Houston,	Perry,
Cooper,	Johnson of Collin,	Pfeuffer,
Evans,	Jones,	Pope,
Farrar,	Martin,	Randolph,
Fleming,	Matlock,	Shannon,
Getzendaner,	Patton,	Stratton,
Gibbs,	Peacock,	Traylor.
Harris,		

NAYS—none.

Bill read third time and passed by the following vote:

YEAS—22.

Buchanan,	Johnson of Collin,	Perry,
Evans,	Johnston of Shelby,	Pfeuffer,
Farrar,	Jones,	Pope,
Fleming,	Martin,	Randolph,
Getzendaner,	Matlock,	Shannon,
Gibbs,	Patton,	Stratton,
Harris,	Peacock,	Traylor.
Houston,		

NAYS—none.

Senator Jones moved to suspend the regular order of business and take up Senate bill No. 27, "An act to amend

article 1223 of the Revised Civil Statutes of the State of Texas."

Adopted, and bill taken up and read second time.

Senator Pope offered the following amendment:

Amend so as to include "all other defendants sued out of the county of their residence."

Accepted, adopted, and bill was ordered engrossed by the following vote:

YEAS—15.

Buchanan,	Johnston of Shelby,	Peacock,
Davis,	Jones,	Pfeuffer,
Evans,	Martin,	Pope,
Getzendaner,	Matlock,	Randolph,
Harris,	Patton,	Stratton.

NAYS—10.

Cooper,	Houston,	Perry,
Farrar,	Johnson of Collin,	Shannon,
Fleming,	Kleberg,	Traylor.
Gibbs,		

Senator Pope moved to suspend the regular order of business and take up substitute House bill No. 274, "An act to amend articles 1667 and 1693 of the Revised Civil Statutes of Texas."

Adopted, and bill taken up, read second time and passed to third reading.

Senator Jones moved to suspend the constitutional rule requiring bills to be read on three several days, to place the bill on its third reading.

Adopted by the following vote:

YEAS—24.

Buchanan,	Harris,	Peacock,
Cooper,	Johnson of Collin,	Perry,
Evans,	Johnston of Shelby,	Pfeuffer,
Farrar,	Jones,	Pope,
Fleming,	Kleberg,	Randolph,
Getzendaner,	Martin,	Shannon,
Gibbs,	Matlock,	Stratton,
Gooch,	Patton,	Traylor.

NAYS—none.

Bill read third time and passed.

Senator Gibbs moved to suspend the regular order of business and take up House bill No. 59, "An act to amend sections 1, 2 and 9 of an act entitled 'an act to amend an act entitled an act creating the office of public weigher, and regulating the appointment and defining the duties and liabilities thereof.'"

Adopted, and bill taken up and read the second time.

Senator Davis offered the following amendment:

Strike out the proviso in the engrossed rider containing the exceptions.

Adopted.

(The President pro tem. in the chair.)

Senator Jones offered the following amendment:

Strike out the part providing for "five public weighers" and insert "three."

Lost.

Senator Martin moved a call of the Senate.

Call seconded.

Roll called.

Absent, Senator Pope.

Pending business went to the table.

Senator Randolph introduced a bill entitled "An act to repeal so much of an act entitled 'an act to diminish the civil and criminal jurisdiction of the county courts of Matagorda, Camp, Houston, Kerr, Mason, San Patricio, Live Oak, Donley, Young, Comal, Atascosa and Wilson,' passed at the present session of the Eighteenth Legislature, as relates to the county of Houston."

Referred to Judiciary Committee No. 1.

On motion of Senator Fleming, Senate adjourned until 9:30 a. m. to-morrow.

## SIXTY-SIXTH DAY.

SENATE CHAMBER,  
AUSTIN, TEXAS, March 31, 1883. }

Senate met pursuant to adjournment.

The President pro tem. in the chair.

Roll called. Quorum present.

Prayer by the Chaplain.

On motion of Senator Getzendaner, the reading of yesterday's journal was dispensed with, and the same adopted.

On motion of Senator Kleberg, Senator Randolph was indefinitely excused, on account of important business.

Senator Harris, chairman of Committee on Judicial Districts submitted the following report:

COMMITTEE ROOM,  
AUSTIN, March 30 1883.

Hon. A. W. Houston, President pro tem. of the Senate:

Your Committee on Judicial Districts, to whom was referred substitute House bill No. 463, entitled "An act to restore to and confer upon the county courts of Burnet and Comanche counties the civil and criminal jurisdiction heretofore belonging to said courts under the Constitution and laws of this State, to conform the jurisdiction of the district court to such change, and to repeal all laws in conflict with the provisions of this act," have carefully considered the same, and instruct me to report it back with the recommendation that it do pass.

HARRIS, Chairman.

Read first time.

Senator Kleberg, Chairman of the Senate free conference committee, to act with a like committee on the part of the House to settle the differences between the two bodies on House bill No. 30, with regard to the Sunday law, submitted the following report:

COMMITTEE ROOM,  
AUSTIN, March 30, 1883.

Hon. A. W. Houston, President pro tem. of the Senate, and Hon. C. R. Gibson, Speaker of the House of Representatives:

Your committee of free conference, to whom was referred the difference between the two houses on House bill No. 30, being "An act to amend article 186 of the Penal Code," have considered the same, and failing to agree, respectfully report the same back and ask that another committee, with same powers, be appointed to further consider the matter."

RUDOLPH KLEBERG,  
A. W. TERRELL,  
WM. H. POPE,  
Senate Committee.  
B. F. FRYMIER,  
J. B. STRINGER,  
J. W. PATTERSON,  
House Committee.

Report read and adopted, and the President appointed as a committee of free conference on said bill Senators Gibbs, Pfeuffer and Gooch.

Senator Patton, for Committee on Engrossed Bills, submitted the following report:

COMMITTEE ROOM,  
AUSTIN, March 31, 1883.

Hon. Marion Martin, President of the Senate:

Your Committee on Engrossed Bills have carefully examined and compared Senate bill No. 27, being "An act to amend article 1233 of the Revised Civil Statutes of the State of Texas," and find the same correctly engrossed.

PATTON, for Committee.

Senator Peacock introduced a bill to be entitled "An act to repeal sections 6, 68, 69, 70, 71 and 72 of an act approved March 17, 1881, entitled 'an act to provide for the organization of the State penitentiaries, and for the more efficient management of the same and till other laws and parts of laws that authorize or empower the penitentiary board to lease the State prisons, or to hire or contract the convicts to individuals or corporations to be worked either inside or outside the prison walls."